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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,016

04/28/2005

Lars Eriksson

0091-0246PUS1

3126

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EXAMINER

LUGO, CARLOS

ART UNIT

PAPER NUMBER

3673

NOTIFICATION DATE

DELIVERY MODE

02/13/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,016	<b>Applicant(s)</b> ERIKSSON, LARS	
	<b>Examiner</b> Carlos Lugo	<b>Art Unit</b> 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 6-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6 and 7 is/are rejected.
- 7) ☒ Claim(s) 2,8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>attachment #1</u> .                    |

### **DETAILED ACTION**

1. This Office Action is in response to applicant's amendment filed on November 16, 2007.

#### ***Claim Objections***

2. **Claims 1, 2 and 8 are objected** to because of the following informalities:

- Claim 1 Line 12, change "opposite" to -second- (since there is no basis for "opposite end").
- Claim 2 Line 1, change "wherein said guide means comprises at least one portion of said leaf spring bent to encompass a portion of the lever" to -wherein said guide means comprises a bent portion of said leaf spring that encompass a portion of the lever so as to allow the engagement means to move between engaging said abutment means and disengaging said abutment means to allow lock and unlock of the fastener- (in order to clearly claim the guide means structure plus to properly establish a function of the locking means since the claim language fails to provide any function).
- Claim 8 Line 1, change "wherein said guide means comprise a portion of said second end bent to exteriorly encompass a portion of the lever with a first and a second portion thereof being in sliding relation to a respective opposite surface of said portion of the lever" to -wherein said guide means comprise a bent portion of said second end that exteriorly encompass a portion of the lever with a first and a second portion thereof being in sliding relation to a respective opposite surface of said portion of the lever in order to allow the engagement

means to move between engaging said abutment means and disengaging said abutment means to allow lock and unlock of the fastener- (in order to clearly claim the guide means structure plus to properly establish a function of the locking means since the claim language fails to provide any function).

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 6 and 7 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,352,513 to Gunther.

Regarding claim 1, Gunther discloses a locking means on an over-centre fastener comprising a manually releasable snap-action retaining means between a movable lever (26) and a stationary part (24).

The retaining means comprises an abutment means (58) associated with the stationary part and an elongate leaf spring (80, a layer of a metal strip with elastic characteristics) attached at a first end (from 82 towards the curved portion) thereof to the lever (at 82). A second end (from 88 towards the curved portion) of the leaf spring is movable relative to the lever and forms an engagement means (98) adapted to engage the abutment means in a closed position of the fastener. The second end of

the leaf spring is formed with guide means (104) guiding movement of the opposite end of the spring relative to the lever.

As to claim 6, Gunther illustrates that the elongate leaf spring has a main plane extending in a normal, unstrained state along the inner side of a leg of the lever (plane where 82 is located).

As to claim 7, Gunther discloses that the elongate leaf spring is formed with a hole at one end of the main plane (at 84), and another hole formed at a predetermined distance therefrom (left side of 84, Figure 6).

***Allowable Subject Matter***

5. **Claims 2 and 8 (As examined, see claim objection above) are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. **Claim 9 would also be allowed** because the claim depends from claim 8.
7. Gunther fails to disclose that the guide means comprise a bent portion of said second end that exteriorly encompass a portion of the lever with a first and a second portion thereof being in sliding relation to a respective opposite surface of said portion of the lever in order to allow the engagement means to move between engaging said abutment means and disengaging said abutment means to allow lock and unlock of the fastener.

***Response to Arguments***

8. The applicant argues that Gunther fails to disclose that the engagement means is not located at a second end of the spring (Page 5 Line 12).

The claim language just requires that at the second end of the spring, i.e., at any place of this end, engagement means are provided; not as suggest by the remarks, like at a free end. At the instant, Gunther discloses this limitation (see attachment #1). Therefore, the argument is not persuasive and the rejection is maintained.

As to claim 2, 8 and 9, Gunther fails to disclose the limitations, therefore, the rejection to claim 2 has been withdrawn and claims 2, 8 and 9 are only objected because of minor informalities (see interpretation given to the claims, claim objection section above).

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3673

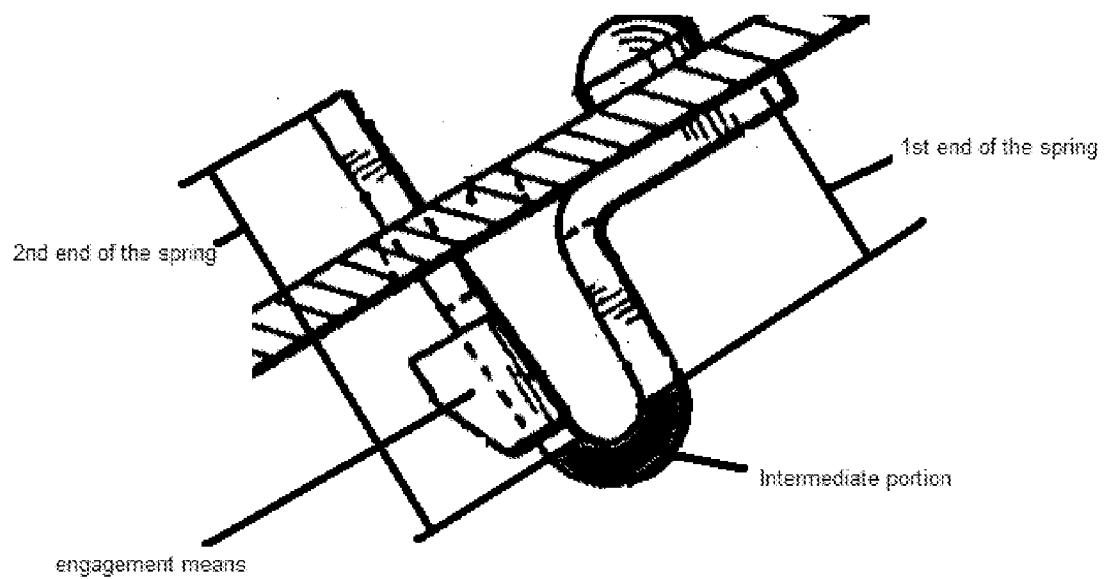
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carlos Lugo/  
Primary Examiner  
Art Unit 3673

February 5, 2008.



Attachment #1